

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CRESTVIEW CAPITAL MASTER, LLP,
MIDSUMMER INVESTMENT, LTD.,
KAUAI PARTNERS, L.P., RHP MASTER
FUND, LTD., ENABLE GROWTH
PARTNERS, L.P., ENABLE
OPPORTUNITY PARTNERS, L.P., PIERCE
DIVERSIFIED STRATEGY MASTER
FUND, LLC ENA, GRYPHON MASTER
FUND, L.P., and GSSF MASTER FUND
L.P.,

Plaintiffs,

v.

No. 08-CV-03263
Honorable Charles C. Kocoras

DUANE MARTIN, an individual; MARC
FRY, an individual, and UNIVERSAL
FOOD & BEVERAGE COMPANY, INC., a
Nevada corporation,

Defendants.

NOTICE OF BANKRUPTCY

Defendant Duane Martin ("Martin"), by his attorneys, hereby files this Notice of Bankruptcy. In further support hereof, Martin states as follows:

1. On June 5, 2008, Crestview Capital Master, LLP, Midsummer Investment, Ltd., and Kuaii Partners, L.P., on behalf of themselves and all others similarly situated, filed a Complaint in the United States District Court, Northern District of Illinois, Eastern Division, Case No. 08-CV-03263.

2. On September 15, 2008, an Amended Complaint was filed in the United States District Court, Northern District of Illinois, Eastern Division.

3. On March 10, 2009, a Second Amended Complaint was filed in the United States District Court, Northern District of Illinois, Eastern Division, which, among other things, included the following additional Plaintiffs: RHP Master Fund, LTD., Enable Growth Partners, L.P., Enable Opportunity Partners, L.P., Pierce Diversified Strategy Master Fund, LLC ENA, Gryphon Master Fund, L.P., and GSSF Master Fund L.P.

4. In its Order, dated February 24, 2009, the Court permitted Martin to either file an Answer or otherwise plead to Plaintiffs' Second Amended Complaint on or before March 31, 2009. The Court also scheduled a status hearing for April 7, 2009 at 9:30 a.m.

5. On March 5, 2009, Martin filed a Voluntary Petition, pursuant to Chapter 7 of the United States Bankruptcy Code, in the United States Bankruptcy Court for the Northern District of Illinois, Case No. 09-07493. Pursuant to the United States Bankruptcy Code, specifically 11 U.S.C. § 362, all further proceedings in this case relating to Mr. Martin, including, but not limited to, Martin's response to Plaintiffs' Second Amended Complaint, should be stayed until further directions are received from the U.S. Bankruptcy Court.

Respectfully submitted,

DUANE MARTIN

By: s/Joan M. Colson

One of His Attorneys

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Dated: March 19, 2009

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing Notice of Bankruptcy was served
on:

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via electronic means this 19th day of March, 2009.

s/Joan M. Colson

An Attorney for Defendant Duane Martin